

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES for the use and benefit)	
of DEFENDER SERVICES, INC.,)	
)	
<i>Plaintiff,</i>)	
)	1:06-CV-95
v.)	
)	Chief Judge Curtis L. Collier
)	
PANTHER CONSTRUCTION CO, INC.,)	
<i>et al.,</i>)	
)	
<i>Defendants.</i>)	

ORDER

On July 27, 2006 counsel for Defendant KTL Contractors Corporation f/k/a Kreative Touche Landscape & Reliable Lawn Service, Inc. (“KTL”), Mark Whittenburg, filed a motion to withdraw as attorney of record for KTL, which Magistrate Judge Susan K. Lee (“magistrate judge”) granted on August 21, 2006 (Court File No. 26). A corporation cannot appear in federal court except through a licensed attorney. *Rowland v. Cal. Men’s Colony, Unit II Men’s Advisory Council*, 506 U.S. 194, 202-203 (1993); *Doherty v. Am. Motors Corp.*, 728 F.2d 334, 340 (6th Cir. 1984). Therefore, in order to proceed in this case KTL must be represented by counsel and not a corporate officer. *Wimberly v. Embridge*, No. 03-1737, 2004 WL 193147, at * 1 (6th Cir. Jan. 30, 2004). As part of her order, the magistrate judge ordered KTL to retain substitute counsel and cause counsel to enter a written appearance with the Clerk of this Court by Friday, September 22, 2006.

On January 5, 2007 Plaintiff Defender Services, Inc. (“Plaintiff”) filed a motion to compel, among other things, KTL to respond to Plaintiff’s request for production of documents and produce

a Fed. R. Civ. P. 30(b)(6) deposition witness (Court File No. 34).¹ On January 29, 2007, the magistrate judge ordered these aspects of Plaintiff's motion held in abeyance pending Plaintiff's filing of a motion concerning KTL's failure to obtain counsel (Court File No. 36).² Plaintiff has not yet filed such a motion.

The record does not reflect that KTL has retained substitute counsel nor entered a written notice of appearance of counsel subsequent to September 22, 2006. Accordingly, the Court **ORDERS** Defendant KTL to show cause by **Monday, June 4, 2007**, as to why it has not retained substitute counsel.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE

¹ Plaintiff also sought an order compelling Reuben Mitchell, allegedly the sole officer and owner of KTL, to comply with a deposition subpoena. The magistrate judge granted this portion of Plaintiff's motion (Court File Nos. 36 & 38).

² During a hearing on January 26, 2007 concerning Plaintiff's motion to compel, Plaintiff's attorney indicated he may be filing a motion concerning KTL's failure to retain counsel (Court File No. 36).